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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/479,736	01/07/00	FEUER	D CEN2-BH43

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WM02/0925

EXAMINER

PEZZLO, J

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/479,736</b>	Applicant(s) <b>Feur</b>
	Examiner <b>John Pezzlo</b>	Art Unit <b>2662</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 6 Aug 2001
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.
- 4)  Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-9 and 11-20 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.
- 12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a)  All b)  Some\* c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)
- 17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

I. Claims 1-9 and 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung et al. (US 6,252,952 B1) hereinafter Kung.

Kung discloses a personal user network (closed user network) PUN/CUN.

Detail claim analysis:

1. Claim 1 - *A system for providing real-time voice communication between devices connected to an Internet Protocol (IP) network and devices connected to a public switched telephone network (PSTN), comprising:*

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With respect to - *a computer controlled switch adapted for connection to a local public switched telephone network and capable of receiving calls from the IP network or the PSTN and routing calls to the PSTN or IP network*; Kung discloses a computer controlled switch (IP central router) capable of receiving calls from the IP network or the PSTN and routing calls to the PSTN or IP network, refer to Figures 1 and 2 and column 5 lines 29 to 46 and column 6 lines 35 to 67 and column 7 lines 1 to 25.

With respect to - *gate interface circuitry connected to the computer controlled switch and adapted for connection to the IP network*; Kung discloses gate interface circuitry connected to the computer and adapted for connection to the IP network, refer to Figures 1 and 2 and column 6 lines 35 to 67 and column 7 lines 1 to 25.

With respect to - *said computer controlled switch containing, for each subscriber, destination addresses on the PSTN and the IP network*; Kung discloses for each subscriber, destination addresses on the PSTN and the IP network, refer to Figures 1 and 2 and column 2 lines 1 to 25 and column 5 lines 29 to 46 and column 5 lines 65 to 67 and column 6 lines 1 to 35 and column 10 lines 54 to 67 and column 11 lines 1 to 6.

With respect to - *whereby calls to a subscriber received by the computer controlled switch are automatically routed to each destination address on the PSTN or the IP network for that subscriber*. Kung discloses calls to a subscriber received by the computer controlled switch are automatically routed to each destination, refer to Figures 7 and 8 and column 25 lines 50 to 67 and column 26 to column 33 lines 1 to 16.

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2. Claim 2 - With respect to - *The system of Claim 1 wherein said gate interface circuitry includes gateway circuitry for interfacing between the IP network and the voice circuits of the PSTN, and gatekeeper circuitry for performing address translation, admission control, bandwidth management and zone management between the IP network and the PSTN.* Kung discloses performing address translation, admission control, bandwidth management and zone management between the IP network and the PSTN, refer to Figures 1 and 2 and column 5 lines 29 to 46 and column 6 lines 35 to 67 and column 7 lines 1 to 16.

3. Claim 3 - *The system of Claim 2, further comprising:*

*With respect to - a voice response unit connected between the gate interface circuitry and the switch for receiving voice signals and converting them to digital tones for the switch.* Kung discloses a voice response unit connected between the gate interface circuitry and the switch, refer to Figures 2 and 3 and column 5 lines 29 to 46 and column 6 lines 35 to 67 and column 7 lines 1 to 16 and column 17 lines 10 to 50.

4. Claim 4 - With respect to - *The system of Claim 3, further comprising a message system connected to the IP network and the switch.* Kung discloses a message system connected to the IP network and the switch, refer to Figures 2 and 3 and column 5 lines 29 to 46 and column 6 lines 35 to 67 and column 7 lines 1 to 16 and column 17 lines 10 to 50.

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5. Claim 5 - With respect to - *The system of Claim 4 wherein said message system receives voice messages and converts them to e-mail messages.* Kung discloses converts voice messages to e-mail messages, refer to Figure 3 and column 19 lines 28 to 65.

6. Claim 6 - With respect to - *The system of Claim 5 wherein said message system receives facsimile messages and converts them to e-mail messages.* Kung discloses converts facsimile to e-mail messages, refer to Figures 2, 3, and 4 and column 11 lines 20 to 40 and column 19 lines 17 to 65.

7. Claim 7 - With respect to - *The system of Claim 6 wherein said message system receives e-mail messages and converts them to voice messages.* Kung discloses converts e-mail to voice messages, refer to Figures 2, 3, and 4 and column 11 lines 20 to 40 and column 19 lines 17 to 65.

8. Claim 8 - With respect to - *The system of Claim 7 wherein the devices connected to the IP network are computers or telephones with a gateway circuitry interface.* Kung discloses devices are computers or telephones with a gateway circuitry interface, refer to Figure 3 and column 16 lines 43 to 67 and column 17 lines 1 to 10.

9. Claim 9 - With respect to - *The system of Claim 8 wherein the computers connected to the IP network include multi-media software for packetizing voice signals into a digital format for*

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*transmission over the IP network.* Kung discloses multi-media software for packetizing voice signals into a digital format, refer to Figures 2 and 3 and column 4 lines 1 to 16 and column 17 lines 1 to 10 and column 19 lines 1 to 5 and column 21 lines 35 to 56.

10. Claim 11 - With respect to - *The system of Claim 1 wherein said computer controlled switch receives an incoming call from the IP network or the PSTN and simultaneously routes the call to a plurality of pre-designated destination addresses which may be on the IP network, on the PSTN, or on both the IP network and the PSTN.* Kung discloses computer controlled switch receives an incoming call from the IP network or the PSTN and simultaneously routes the call to a plurality of pre-designated destination addresses which may be on the IP network, on the PSTN, or on both the IP network and the PSTN, refer to Figures 5-10 and column 2 lines 10 to 25 and column 3 lines 34 to 65 and column 5 lines 29 to 46 and column 9 lines 39 to 67 and column 10 lines 1 to 10 and column 10 lines 54 to 67 and column 11 lines 1 to 6 and column 14 lines 59 to 67 and column 15 lines 1 to 18 and column 15 lines 38 to 67 and column 16 lines 1 to 23 and column 25 lines 50 to 67 and columns 26-37.

11. Claim 12 - With respect to - *The system of Claim 11 wherein said computer controlled switch performs caller identification functions after routing the incoming call.* Kung discloses the controlled switch performs caller identification functions after routing the incoming call, refer

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to Figure 2 and column 10 lines 25 to 36 and column 10 lines 54 to 67 and column 11 lines 1 to 6 and column 15 lines 38 to 67 and column 16 lines 1 to 23.

12. Claim 13 - With respect to - *The system of Claim 1 wherein said computer controlled switch performs Class 5 switching of incoming calls.* Kung discloses controlled switch performs Class 5 switching of incoming calls, refer to Figures 1 and 2 and column 13 lines 29 to 67 and column 14 lines 1 to 27.

13. Claim 14 - *A method of providing real-time voice communication between devices connected to an Internet Protocol (IP) network and devices connected to the public switched telephone network (PSTN), the steps of the method comprising:*

With respect to - *interfacing the digital data signals of the IP network with the voice signals of the PSTN;* Kung discloses interfacing the digital data signals of the IP network with the voice signals of the PSTN, refer to Figures 1-3 and column 13 lines 29 to 67 and column 14 lines 1 to 27 and column 15 lines 38 to 67 and column 16 lines 1 to 22.

With respect to - *interfacing the control signals of the IP network with the PSTN to perform address translation, admission control, bandwidth management and zone management;* Kung discloses performing address translation, admission control, bandwidth management and zone management between the IP network and the PSTN, refer to Figures 1 and 2 and column 5 lines 29 to 46 and column 6 lines 35 to 67 and column 7 lines 1 to 16.

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With respect to - *routing calls between the devices connected to the IP network and devices connected to the PSTN*; Kung discloses a computer controlled switch (IP central router) capable of receiving calls from the IP network or the PSTN and routing calls to the PSTN or IP network, refer to Figures 1 and 2 and column 5 lines 29 to 46 and column 6 lines 35 to 67 and column 7 lines 1 to 25.

With respect to - *storing for each individual subscriber destination addresses on the PSTN and the IP network*; Kung discloses for each subscriber, destination addresses on the PSTN and the IP network, refer to Figures 1 and 2 and column 2 lines 1 to 25 and column 5 lines 29 to 46 and column 5 lines 65 to 67 and column 6 lines 1 to 35 and column 10 lines 54 to 67 and column 11 lines 1 to 6.

With respect to - *automatically routing calls to a subscriber to each destination address stored for that subscriber*. Kung discloses automatically routing calls to each destination address stored for that subscriber, refer to Figures 7 and 8 and column 25 lines 50 to 67 and column 26 to column 33 lines 1 to 16.

14. Claim 15 - With respect to - *The method of Claim 14, further comprising receiving voice signals from the PSTN and converting them to signals for use by the IP network*. Kung discloses converting voice signals (PSTN) to signals for use by the IP network, refer to Figures 2 and 3 and column 4 lines 1 to 16 and column 17 lines 1 to 10 and column 19 lines 1 to 5 and column 21 lines 35 to 56.

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15. Claim 16 - With respect to - *The method of Claim 14, further comprising receiving voice messages and converting them to e-mail messages.* Kung discloses converts voice messages to e-mail messages, refer to Figure 3 and column 19 lines 28 to 65.

16. Claim 17 - With respect to - *The method of Claim 14, further comprising receiving facsimile messages and converting them to e-mail messages.* Kung discloses converts facsimile to e-mail messages, refer to Figures 2, 3, and 4 and column 11 lines 20 to 40 and column 19 lines 17 to 65.

17. Claim 18 - With respect to - *The method of Claim 14, further comprising receiving e-mail messages and converting them to voice messages.* Kung discloses converts e-mail to voice messages, refer to Figures 2, 3, and 4 and column 11 lines 20 to 40 and column 19 lines 17 to 65.

18. Claim 19 - With respect to - *The method of Claim 14, further comprising receiving an incoming call from the IP network or the PSTN network and simultaneously routing the call to a plurality of predesignated destinations which may be on the IP network, on the PSTN network, or on both the IP network and the PSTN network.* Kung discloses computer controlled switch receives an incoming call from the IP network or the PSTN and simultaneously routes the call to a plurality of pre-designated destination addresses which may be on the IP network, on the PSTN, or on both the IP network and the PSTN, refer to Figures 5-10 and column 2 lines 10 to

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25 and column 3 lines 34 to 65 and column 5 lines 29 to 46 and column 9 lines 39 to 67 and column 10 lines 1 to 10 and column 10 lines 54 to 67 and column 11 lines 1 to 6 and column 14 lines 59 to 67 and column 15 lines 1 to 18 and column 15 lines 38 to 67 and column 16 lines 1 to 23 and column 25 lines 50 to 67 and columns 26-37.

19. Claim 20 - With respect to - *The method of Claim 19, further comprising performing caller identification functions after routing the incoming call.* Kung discloses the controlled switch performs caller identification functions after routing the incoming call, refer to Figure 2 and column 10 lines 25 to 36 and column 10 lines 54 to 67 and column 11 lines 1 to 6 and column 15 lines 38 to 67 and column 16 lines 1 to 23.

### ***Response to Arguments***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant's arguments with respect to claims 1-9 and 11-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Gardell et al. (US 6,128,304) discloses a network presence for a communications system operating over a computer network.
2. Nattkemper et al, (US 5,999,518) discloses a distributed telecommunications switching system and method.
3. Kubler et al. (US 5,726,984) discloses a hierarchical data collection network supporting packetized voice communications among wireless terminals and telephones.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9314

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Receptionist (Sixth floor)

Crystal Park 2

2121 Crystal Drive

Arlington, VA.

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John Pezzlo

17 September 2001

JP.



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